



10-29-07

JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S. Wurzburger

Examiner: Phasge, A.

Application number: 10/803,678

Art Unit: 1753

October 16, 2007

The Honorable Commissioner of Patents:

Response to Requirement for Restriction

Sir:

In response to a requirement for restriction, between

group I (claim1) drawn to a compound

group II (claim 2) drawn to a method for complete dissociation

of propirotic acid in water

group III (claims 3 – 18) drawn to a method of making a compound

Applicant elects group III (claims 3 – 18) with traverse.

The Examiner states that inventions I and III are distinct because:

“ the product (H^9O^4+) can be made by another and materially different process.

The Applicant submits: The Applicant knows of no other method by which pure (H^9O^4+) can be formed. If the examiner persists in his

position, the Applicant respectfully requests that the Examiner provide evidence such as a patent or publication to support his statement.

The Examiner states that the inventions II and III as claimed "do not encompass overlapping subject matter and there is nothing to show them to be obvious variants".

The Applicant submits:

Claim 3 is a variant of claim 2 according to the definition of the word variant. Dictionary definition of the word "variant"--- "differing in form"

Every one of the steps in the method of claim 2 are in claim 3 and therefore is a variant of claim 2. Therefore, claim 3 is a VARIANT of claim 2 In addition claim 3 is the step of freezing to isolate H9O4 + as a method of further purifying separating) the compound (H9O4 +) from water.

Respectfully submitted,

I certify that I have placed this document in an envelope addressed to the

Commissioner of Patents and deposited it with the U.S. Postal Service

R Smidt

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